

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 10969 of 2014 (U)

PETITIONER:

**K.T.K. RAGHUNATH, AGED 41 YEARS
S/O.LATE KUMARAN, KIZHAKKEDATHU THEZHAKUNIYIL
KARIYAD SOUTH P O, THALASSERY, KANNUR DISTRICT,
PIN-673316.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
KANNUR-670001.**
- 2. THE SUB COLLECTOR, THALASSERY
KANNUR DISTRICT-60001.**
- * ADDL.R3 IMPEADED**
- 3. SECRETARY, DEPARTMENT OF AGRICULTURE**
- * ADDL.R3 IS SUO MOTU IMPEADED AS PER ORDER DATED 19/3/2015**

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE RESOLUTION NO 193/2013 OF THE MEETING OF THE PANCHAYAT COMMITTEE DTD 5/11/2013**
- P2:- TRUE COPY OF THE APPLICATION DTD 3/10/2011 SUBMITTED BEFORE THE REVENUE DIVISIONAL OFFICER BY THE PETITIONERS FATHER**
- P2(A):- TRUE COPY OF THE APPLICATION DTD 24/8/2011 SUBMITTED BEFORE THE REVENUE DIVISIONAL OFFICER BY THE PETITIONERS FATHER**
- P3:- TRUE COPY OF THE REPORT DTD 7/10/2011 SUBMITTED BY THE VILLAGE OFFICER**
- P3(A):-TRUE COPY OF THE REPORT DTD 31/8/2011 SUBMITTED BY THE AGRICULTURAL OFFICER**
- P4:- TRUE COPY OF THE ORDER NO REF L.5-5325/13 ISSUED BY THE IST RESPONDENT DTD 25/3/2014**
- P5:- TRUE COPY OF THE APPLICATION DTD 22/11/2013 GIVEN TO THE VILLAGE OFFICER**
- P5(A):-TRUE COPY OF THE COMMUNICATION NO 8/13 DTD 6/12/2013 GIVEN BY THE VILLAGE OFFICER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 10969 of 2014

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner is challenging the correctness and sustainability of Ext.P4 order dated 25.03.2014 passed by the 1st respondent invoking the power under Section 13 of the Conservation of Paddy Land and Wet Land Act, 2008, whereby the property concerned has been ordered to be restored as a paddy land. The case of the petitioner is that, the order passed by the 1st respondent is contrary to the actual facts and figures and the relevant provisions of law.

2. Heard the learned Government Pleader as well.

3. Considering the fact that the petitioner is having an effective alternative remedy by way of Revision under Section 28 of the Act, before the Government, the petitioner is relegated to move the revisional authority, so that the fact adjudication can be completed with reference to all the relevant records. If any such revision petition is filed before the Secretary to the Department of the Agriculture within 'two weeks' from the date of receipt of a copy of the judgment, the same shall be considered and

appropriate orders shall be passed, after affording an opportunity of hearing to the petitioner, within three months thereafter. The interim order already passed by this Court will continue till such time. So as to enable such exercise, the Secretary to the Department of the Agriculture is *suo motu* impleaded as the additional 3rd respondent. The learned Government Pleader entered appearance on behalf of the said respondent as well.

The writ petition stands disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the additional 3rd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.